

# SENATE NO. 2138

## **RESOLVE** MEMORIALIZING THE US CONGRESS ON THE IMPLEMENTATION OF RED ID

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 Whereas, the Commonwealth of Massachusetts recognizes the Constitution of the United States  
2 of America as our national charter of liberty and democracy, and the Bill of Rights as affirming  
3 fundamental and inalienable right of Americans, including the freedom of privacy and freedom  
4 from unreasonable searches; and

5 Whereas, the Constitution establishes the principle of sovereign states joined within a federal  
6 system through Article Four and Amendment Ten; and the Congress of the United States has  
7 further clarified that relationship between federal and state governments by enactment of a  
8 policy to restrict the imposition of unfunded federal mandates by passage of Public Law 104-4,  
9 the Unfunded Mandates Reform Act of 1995; and

10 Whereas, the Commonwealth of Massachusetts, the birthplace of our national freedom, has a  
11 diverse population whose contributions are vital to the state's economy, culture, and civic  
12 character; and

13 Whereas, the people of Massachusetts are justifiably proud of its historic tradition of protecting  
14 civil rights and liberties of all of its residents, affirming the fundamental rights of all people; and

15 Whereas, the licensing of motor vehicle drivers and the registration of motor vehicles has been  
16 considered as a state responsibility for more than one hundred years; and

17 Whereas, contrary to this constitutional and legal basis for relations with state governments,  
18 especially as they pertain to the licensing of motor vehicle drivers, the Congress of the United  
19 States, without sufficient deliberation and without any public hearing or vote specifically on its  
20 merits, enacted, despite opposition from over six hundred organizations; Public Law 109- 13,  
21 the Real ID Act, imposing new, restrictive and expensive mandates upon the residents of the  
22 several states and territories of this nation; and

23 Whereas, under the guise of protecting Americans from terrorism, the implementation of the  
24 Real ID Act has the consequence of restricting the freedoms and privacy of Americans while  
25 imposing a costly financial burden and inconvenience; and

26 Whereas, a preliminary study published by the National Governor's Association, the National  
27 Conference of State Legislatures, and the American Association of Motor Vehicle  
28 Administrators, has projected initial state costs for implementation of the Real ID Act at more  
29 than one billion dollars with five year implementation costs in excess of eleven bill dollars, for  
30 which the Congress has appropriated only forty million dollars; and Whereas, the Real ID Act  
31 requires the creation of a massive public sector database containing information on every  
32 American that is accessible to motor vehicle employees and law enforcement officers  
33 nationwide that can be used to gather and manage information on citizens; and

34 Whereas, the Real ID act enables the creation of additional massive private sector databases,  
35 combining both the transactional information and driver's license information gained from  
36 scanning the machine readable information contained on every driver's license; and

37 Whereas, these public and private sector databases are likely to contain numerous errors and  
38 false information, creating a significant hardship for Americans attempting to verify their  
39 identities in order to fly on airlines, open a bank account, or perform any of the numerous  
40 functions required to live in the United States today; and

41 Whereas, the federal trade commission estimates that ten million Americans are victims of  
42 identity theft annually, and, because identity thieves are increasingly targeting motor vehicle  
43 departments, the Real ID Act will enable the crime of identity theft by making the personal  
44 information of all Americans, including date of birth and signature, accessible from tens of  
45 thousands of locations; and

46 Whereas, the Real ID Act requires a driver's license to contain a person's actual home address  
47 and makes no exception for individuals in potential danger, such as undercover law enforcement  
48 or victims of stalking, domestic violence, or criminal harassment; and

49 Whereas, the Real ID Act contains onerous record verification and retention provision that place  
50 unreasonable burdens on the Registry of Motor Vehicles, and third parties required to verify  
51 records, including the offices of municipal clerks and the state Department of Public Health, and

52 Whereas, the Real ID Act will place enormous burdens on consumers seeking new or renewed  
53 driver's licenses such as longer lines and waiting times, higher costs, increased document  
54 requests and waiting periods; and

55 Whereas, the Real ID Act will place state Registry of Motor Vehicles staff on the front lines of  
56 immigration enforcement by forcing state employees to determine federal citizenship and  
57 immigration status, as well as imposing burdens on elderly citizens who may have emigrated to  
58 the United States from war torn regions that may no longer have access to birth records, thereby  
59 excessively burdening both foreign-born applicants and Registry staff; and

60 Whereas, the federal rules advising states on the details have yet to be finalized, while the date  
61 for implementation in May 2008 remains fixed making it impossible for states to consider  
62 statutory changes, administrative procedure revisions, appropriate funds and acquire adequate  
63 equipment and software in a thoughtful and timely manner consistent with the state  
64 appropriations process and public procurement and staffing regulations; now, therefore, be it  
65 Resolved, that the General Court of the Commonwealth of Massachusetts supports the  
66 government of the United States in its campaign against terrorism, while affirming the  
67 commitment of the United States that the campaign not be waged at the expense of the essential  
68 civil rights and liberties of the citizens of this country; and be it further  
69 Resolved, that it is the policy of the Commonwealth of Massachusetts to oppose any portion of  
70 the Real ID Act that violates the rights and liberties guaranteed under the Constitutions of the  
71 United States and the Commonwealth of Massachusetts, including the Bill of Rights; and be it  
72 further  
73 Resolved, that the Massachusetts General Courts shall enact no legislation nor authorize any  
74 appropriation to further the implementation of the Real ID Act in Massachusetts, unless such  
75 appropriation is used exclusively for the purpose of undertaking a comprehensive analysis of the  
76 costs of implementing the Real ID Act or to mount a constitutional challenge by the Attorney  
77 General of the Commonwealth; or until the federal government assumes its responsibility to  
78 provide adequate funding to the states for implementation, including up front funding as part of  
79 the FY 2008 federal budget; and be it further  
80 Resolved, that copies of this resolve be forwarded to the Massachusetts Congressional  
81 delegation to support measures to either fund or repeal the Real ID Act, and to extend the time  
82 for its implementation; and be it further

83 Resolved, that copies of this resolve be transmitted to President George W. Bush, Attorney  
84 General Alberto Gonzales, the Majority and Minority Leaders of the United States Senate, and  
85 the Speaker and Minority Leader of the United States House of Representatives.